

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS MANWELL DAWSON,
Plaintiff,
v.
JEFF LYNCH, et al.,
Defendants.

No. 2:21-cv-0510 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983, has requested an extension of time to file an amended complaint. ECF No. 35.

By order filed August 19, 2022, the undersigned screened the complaint and found that it did not state a claim for relief. ECF No. 22. Plaintiff was given the opportunity to file an amended complaint, but instead indicated that he intended to seek reconsideration of the screening order and requested an extension of time to do so. ECF No. 28. Despite receiving extensions of time to seek reconsideration (ECF Nos. 29, 31), plaintiff failed to do so and was ordered to file an amended complaint within thirty days (ECF No. 34). Plaintiff therefore had until February 6, 2023, to file an amended complaint, and his motion for an extension of time, which indicates it was mailed on February 12, 2023 (ECF No. 35 at 5), is untimely.¹

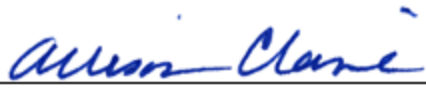
¹ Houston v. Lack, 487 U.S. 266, 276 (1988) (establishing rule that a pro se prisoner's court document is deemed filed on the date the prisoner delivered the document to prison officials for mailing).

1 In his motion, plaintiff states that he ran out of ink on January 27, 2023, and was not able
2 to receive a replacement until February 10, 2023. ECF No. 35. The untimeliness of the motion
3 will therefore be excused, and plaintiff's request for an extension of time will be granted.
4 However, in light of the significant delay that occurred as a result of plaintiff's expressed desire
5 to seek reconsideration, which he then failed to pursue, no further extensions of time will be
6 granted absent a showing of extraordinary circumstances.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's motion for an extension of time (ECF No. 35) is GRANTED.
- 9 2. Within fourteen days from the service of this order, plaintiff shall file a first amended
10 complaint. No further extension of time will be granted absent a showing of extraordinary
11 circumstances. Failure to file an amended complaint will result in a recommendation that this
12 action be dismissed without further warning.

13 DATED: February 27, 2023

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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